

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 17076 of 2007(G)

PETITIONERS:

1. A.P. ABDUL JALEEL,
ACHIRA HOUSE, AMBALAKKADAVU P.O.,
KALIKAVU-676 525, MALAPPURAM DISTRICT.
2. SAJI JOHN,
CHULLALIL HOUSE, CHANDAKKUNNU P.O.-679 342,
MALAPPURAM DISTRICT.
3. K.P. JYOTHI,
PRASANNALAYAM, PALOOR, PULAMANTHOLE P.O.-679323,
MALAPPURAM DISTRICT.
4. MYMOONA KARATTU,
KARATTU HOUSE, PARAPALLYALY, OMANOOR P.O.-673645,
MALAPPURAM DISTRICT.
5. MURALEEDHARAN C.V.,
CHEENIKKAPARAMBIL HOUSE, PALATHOLE P.O.-679 340,
MALAPPURAM DISTRICT.
6. SUNIL P.,
SREEJA SADAN, THAMARAKKUZHI, MALAPPURAM.
7. NIGESH T.,
THAZHATHETHIL, POOKKOTTUMPADAM P.O.-679 332,
MALAPPURAM DISTRICT.
8. PREMACHANDRIKA,
POZHAMMEL HOUSE, PAZHAMALLOOR,KOOTTILANGADI-676506
9. AYYAPPAN T.C.,
THAMBAPRAKKUNNU HOUSE, THRIKKALANGODU P.O.,MANJERI
10. YOOSUF MANKARATHODI,
MANKARATHODI HOUSE, VADAKKEMANNA, KODOOR P.O.,
MALAPPURAM DISTRICT.

11. C.K. VASUDEVAN,
CHELLIKKATTIL HOUSE, TANUR P.O.-676 302,
MALAPPURAM DISTRICT.
12. SIDDIQUE K.,
KOLAKKUTH HOUSE, MONGAM P.O.-673 642,
MALAPPURAM DISTRICT.
13. JEEVA K.T.,
KAMMALASSERY HOUSE, CHELEMBRA P.O.-673 634,
MALAPPURAM DISTRICT.
14. SHEEJA K.,
VAKKALOOR HOUSE, KARUVANNOOR P.O., AREACODE,
MALAPPURAM DISTRICT.
15. MAMMAD,
NADUVATHKALATHIL HOUSE, KARINCHAPADI,
VATTALLUR, MALAPPURAM DISTRICT.
16. RAVEENDRAN T.,
THATTASSERIMADU HOUSE, THENHIPPALAM P.O.
MALAPPURAM DISTRICT.
17. SURESH BABU K.,
KUKNNATHUKULANGARA HOUSE, PUTHUKKODE P.O.,
RAMANATTUKARA, MALAPPURAM DISTRICT.
18. HAMZA V.P.,
VALIYAPEEDIYAKKAL HOUSE, PAYYANAD P.O.,
MALAPPURAM DISTRICT.
19. SAJITHA T.,
THOTTOLI HOUSE, KADALUNDI NAGARAM P.O.-673 316,
MALAPPURAM.
20. RAJAPPAN D.,
KANNEKKATTU HOUSE, KADAKKARAPPALLY P.O.,
CHERTHALA-688 529, ALAPPUZHA DISTRICT.
21. PRASAD KAIPPALLIL,
KAIPPALLIL HOUSE, VADAKKUMPADAM P.O.,
MALAPPURAM DISTRICT.
22. PRADEEP,
AMBALATHODI HOUSE, MUTHUKAD, RAMANKUTH P.O.,
NILAMBUR.
23. S. RADHAKRISHNA PILLAI,
AYANIVILA PUTHEN VEEDU, VAYALA P.O.,
ANCHAL-691 306, KOLLAM DISTRICT.

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**24. RAJUMON S.,
CHERUNGAL HOUSE, SOUTH ARYAD,
AVALOOKKUNNU P.O., ALAPPUZHA.**

**25. SUBHASH G.,
ETTUKANDATHIL HOUSE, NORTH ARYAD P.O.-688 542,
ALAPPUZHA.**

**26. SHIBU V.,
KALARIPPARAMBU, MUHAMMA P.O., ALAPPUZHA.**

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

**1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT,
SECRETARIAT, TRIVANDRUM.**

**2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.**

**3. DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, MALAPPURAM.**

**BY GOVT. PLEADER SRI. BIJOY CHANDRAN
ADV. SRI. P.C.SASIDHARAN, SC FOR PSC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

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JUDGMENT

The petitioners are persons included in the rank-list published by the P.S.C on 4.9.2003, for appointment to the post of Last Grade Servant in various departments in Malappuram district. The list expired on 3.9.2006. But, the petitioners submit, the list was alive up to 8.9.2006, because of the consecutive public holidays at the relevant time. They further submit, because of various elections, there was ban against making appointments from the said rank-list. During some period, preceding Parliamentary election of May, 2004, appointments could not be made. Again, there was election to the Local Bodies held in September, 2005. Still later, the Assembly election was held in May, 2006. During all these elections, there was ban against making appointments. So, the petitioners submit, the said rank-list should have been extended by the P.S.C, invoking its power under the proviso to Rule 13 of the P.S.C Rules of Procedure. The said proviso reads as follows:

“Provided further that if the Commission is satisfied of the existence of a period of general ban declared by the Government on the reporting of vacancies to the Public

Service Commission or of any other circumstances or of extraordinary situation in which the reporting of vacancies by the appointing authorities is prevented or restricted or delayed, the Commission shall have the power to keep alive the Ranked Lists which are normally due to expire during the said period for such periods as may be decided by the Commission subject to a minimum period of three months or for such further periods but not exceeding one and a half year in the aggregate. If the Commission so decides it shall issue a Notification keeping alive the Ranked Lists in the above manner and shall advise candidates from such Ranked Lists to the vacancies reported during such extended period of validity of the Ranked List.”

2. I think, the above quoted proviso is applicable, if only the expiry of the rank-list takes places during the ban period. In this case, the list survived all the three ban periods and it was alive for a few months thereafter. Therefore, nothing prevented the appointing authorities from reporting the vacancies and the P.S.C from advising candidates . So, the proviso to Rule 13 of the P.S.C Rules of Procedure has no application, whatsoever, in this case. Therefore, the writ petition is not maintainable. Further, there is delay of more than one year in approaching this Court. For that reason also, the writ petition is liable to be dismissed. Accordingly, it is dismissed.

5th June, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/